

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 1:22-cv-00458
v.)	
)	JUDGE DAVID A. FABER
SOUL VAPOR, LLC; and)	
AURELIUS JEFFREY,)	
)	
Defendants.)	

UNITED STATES' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56(a), Plaintiff United States of America respectfully moves for summary judgment on its Federal Food, Drug, and Cosmetic Act claims against Defendants Soul Vapor, LLC and Aurelius Jeffrey concerning their: (1) causing a tobacco product to become adulterated or misbranded while it is held for sale after shipment of one or more of its components in interstate commerce; and (2) submission of information required by or under FDCA respecting a tobacco product that was materially false. The United States attaches Exhibits A through C in support of this motion. *See* Ex. A (Decl. of Elenita Ibarra-Pratt) dated Feb. 10, 2023; Ex. B (Decl. of Matthew McNew) dated Feb. 10, 2023; Ex. C (Decl. of Nathan Everly) dated Feb. 10, 2023. As explained in the accompanying memorandum of law, there is no genuine dispute of material fact, and the United States is entitled to judgment as a matter of law.

A proposed order is attached.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Ellen Bowden McIntyre, hereby certify that I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send notification to all counsel of record in this action.

s/ Ellen Bowden McIntyre
ELLEN BOWDEN MCINTYRE
Trial Attorney
Department of Justice